

EXHIBIT 69

ARLEN R. SHENKMAN June 5, 2008
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE CORPORATION, a)
Delaware corporation, ORACLE)
USA, INC., a Colorado)
corporation, and ORACLE)
INTERNATIONAL CORPORATION, a)
California corporation,)
)
Plaintiffs,)
)
vs.) No. 07-CV-1658 (PJH)
)
)
SAP AG, a German corporation,)
SAP AMERICA, INC., a Delaware)
corporation, TOMORROWNOW,)
INC., a Texas corporation, and)
DOES 1-50, inclusive,)
)
Defendants.)
_____)

DEPOSITION OF
ARLEN R. SHENKMAN

VOLUME 2; PAGES 321 - 496

THURSDAY, JUNE 5, 2008

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REPORTED BY: HOLLY THUMAN, CSR No. 6834, RMR, CRR
(1-409545)

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09:14:30 1

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09:14:39 6

09:14:40 7

Q. Wasn't that the driver of the deal for SAP,
converting customers?

09:14:42 8

09:14:43 9

MR. McDONELL: Asked and answered.

09:14:44 10

09:14:45 11

THE WITNESS: No. I think that clearly,
the main driver was the PR benefit. The secondary
driver, as the document states, was to drive Oracle
customers to SAP.

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13:18:41 1 think it was overbroad and otherwise faulty. We
13:18:45 2 think this witness appeared in good faith and was
13:18:48 3 reasonably well prepared, and that your expectations
13:18:50 4 about what one witness can know about everything are
13:18:53 5 unrealistic.

13:18:55 6 We're happy to met and confer with you
13:18:56 7 about any concerns you have and will do so at the
13:18:59 8 appropriate time.

13:18:59 9 MR. PICKETT: Thank you, Mr. Shenkman.

13:19:02 10 MR. McDONELL: Thank you.

13:19:02 11 THE WITNESS: Thank you.

13:19:07 12 THE VIDEO OPERATOR: This marks the end of
13:19:09 13 Videotape No. 2, Volume 2 in the deposition of
13:19:11 14 Mr. Shenkman. We're off the record. The time is
13:19:15 15 1:19.

13:24:46 16 (Time noted, 1:19 p.m.)

17 --o0o--

18 I declare under penalty of perjury that
19 the foregoing is true and correct. Subscribed at
20 _____, California, this _____ day of
21 _____ 2008.

22

23

24

25

ARLEN R. SHENKMAN

Merrill Legal Solutions
(800) 869-9132

1 CERTIFICATE OF REPORTER

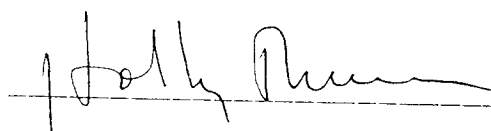
2 I, HOLLY THUMAN, a Certified Shorthand
3 Reporter, hereby certify that the witness in the
4 foregoing deposition was by me duly sworn to tell the
5 truth, the whole truth, and nothing but the truth in the
6 within-entitled cause; that said deposition was taken
7 down in shorthand by me, a disinterested person, at the
8 time and place therein stated, and that the testimony of
9 the said witness was thereafter reduced to typewriting,
10 by computer, under my direction and supervision;

11 That before completion of the deposition,
12 review of the transcript [X] was [] was not requested.
13 If requested, any changes made by the deponent (and
14 provided to the reporter) during the period allowed are
15 appended hereto.

16 I further certify that I am not of counsel or
17 attorney for either or any of the parties to the said
18 deposition, nor in any way interested in the event of
19 this cause, and that I am not related to any of the
20 parties thereto.

21
22 DATED

6/9/08

23
24 
25

HOLLY THUMAN, CSR No. 6834